

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1, 2 and 4-24 are amended herein.

In view of the above, it is respectfully submitted that claims 1, 2 and 4-24 are currently pending and under consideration.

II. REJECTION OF CLAIMS 7, 11, 12, 15-17, 23 and 24 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

On page 2 of the Office Action, claims 7, 11, 12, 15-17, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph.

However, it is respectfully submitted to the Examiner that the claims are directed to the disk cartridge and not the lens of a pickup. Moreover, the lens of the pickup is only being recited to describe the following relationship in which the width W of the transparent window member is calculated. The disk cartridge comprises the transparent window member, which is positively recited. Thus, the lens of a pickup does not have to be positively recited in the claimed invention.

Although the Examiner suggests that the claimed invention should recite "a disk cartridge and pickup assembly combination," it is respectfully submitted that it is not the object of the present invention to claim a pickup assembly combination. The claimed disk cartridge can be readily manufactured/sold separately without the pickup. The claims in their current form are in fact definite and comply with all of the requirements of 35 U.S.C. §112, second paragraph. One of ordinary skill in the art can easily understand the parameters set forth in the claims with regard to the disk cartridge.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 1, 2, AND 4-24 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER HAGIWARA (JP 1-315085)

On page 3 of the Office Action, the Examiner maintains that claims 1, 2 and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagiwara (JP 1-315085).

The present invention as recited in claim 1 (as amended herein), for example, relates to a disk cartridge comprising "a transparent window member attachable to and detachable from the case to allow an external light to access opposing surfaces of the disk in the case."

Hagiwara discloses a disk cartridge 1 containing a disk D and having a transparent window 4.

However, the transparent window 4 of Hagiwara is not attachable to and detachable from the case of the disk cartridge 1 like the transparent window member recited in claim 1 of the present application. Therefore, Hagiwara fails to teach or suggest the features recited in claim 1 of the present application.

In regard to the Official Notice taken (see bottom of page 4 - page 5 of the Office Action) that the concept of "attachable" and "detachable" is notoriously old and well known in the art, it is respectfully submitted that one skilled in the art would not have modified Hagiwara to have a transparent window attachable to and detachable from a case since Hagiwara only teaches a sliding mechanism 5 to cover the window 4, which the Examiner assumes (and the Office Action indicates) is not attachable/detachable. Hagiwara does not teach or suggest that the window 4 is attachable to and detachable from the case 1. Therefore, it would not readily appear to be obvious to change the entire structure of Hagiwara to disclose an attachable/detachable transparent window.

In light of the above, it is respectfully requested that the Official Notice be withdrawn or evidence be provided to support the Official Notice.

Further, on page 5 of the Office Action, the Examiner states that Goto et al. (JP 62-267985) discloses a disk cartridge having an attachable and detachable window. However, Goto et al. (Goto, hereinafter) does not teach or suggest a disk cartridge having a transparent window member attachable to and detachable from a case as recited in claim 1 of the present application.

More specifically, Goto discloses two separate attachable/detachable window members 13 and 14, which are made by pasting transparent films 17 and 18 thereto, respectively (see page 6, lines 16-17). Thus, Goto does not provide a transparent window as a single member to allow an external light to access opposing surfaces of a disk like the claimed transparent window member recited in claim 1 of the present application. Therefore, Goto does not teach or suggest the features recited in claim 1 of the present application.

Similar to claim 1, claim 13 (as amended herein) recites "a transparent window member for use in a disk cartridge having a case to contain a disk, wherein the transparent window member is attachable to and detachable from the case and allows an external light to access opposing surfaces of the disk in the case," which distinguishes over the cited prior art.

Claim 19 (as amended herein) recites that the "transparent window member is attachable to and detachable from the case to allow an external light to access opposing surfaces of the disk in the case through the top and bottom surfaces of the transparent window member," which distinguishes over the cited prior art.

Claims 2, 4-12 and 18, claims 14-17, and claims 20-24 depend from claims 1, 13 and 19, respectively. Thus, for at least the reasons that claims 1, 13 and 19 distinguish over the cited prior art, it is respectfully submitted that claims 2, 4-12, 14-18 and 20-24 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. RESPONSE TO THE ARGUMENTS

The Official Notice taken on page 7 of the Office Action, is the same as the Official Notice taken at the bottom of page 4 - page 5 of the Office Action. Thus, the Official Notice has been addressed in item III above.

On page 8 of the Office Action, the Examiner states that the Applicants have not seasonably challenged the Examiner's position regarding the use of Official Notice as taken in the previous Office Action mailed April 29, 2003, by requesting "a demand for evidence."

However, it is noted that the Official Notice only pertained to independent claim 13 and does not apply to independent claims 1 and 19. Presently, claim 13 is amended herein to recite "a transparent window member for use in a disk cartridge having a case to contain a disk, wherein the transparent window member is attachable to and detachable from the case and allows an external light to access opposing surfaces of the disk in the case." In light of the amendments to claim 13, it is respectfully submitted that the Official Notice no longer applies to claim 13 and should thereby be removed.

V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject

matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-23-03

By: Derrick L. Fields
Derrick L. Fields
Registration No. 50,133

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501